HONOURABLE SMT. JUSTICE T.MEENA KUMARI
&
HONOURABLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No:16108 OF 2007

Dated:30.07.2007

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Between:

The Dy Commissioner of Commercial Taxes, Nellore

..Petitioner

And

1.Ch.Srinivasarao & another

..Respondents.

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HONOURABLE SMT. JUSTICE T.MEENA KUMARI
&
HONOURABLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No:16108 OF 2007

ORDER: (per Hon'ble Smt. Justice T. Meena Kumari)

The present writ petition is filed by the petitioner seeking to call for the records pertaining to the order of the A.P. Administrative Tribunal passed in O.A.No:5054 of 1998, dated 26.6.2002 and declare the same as illegal and unreasonable and quash the same.

The respondents herein are the applicants and the petitioner herein is the respondent before the tribunal. On the O.A. filed by the applicants seeking to call for the records relating to the proceedings in Rc.No:123/97/A1(1), dated 9.7.1998 and Rc.No:123/97/A1(2), dated 9.7.1998 issued by the respondent and set aside the same on the ground that the appointments of the applicants were made following the orders of this Court as well as G.O.Ms.No:69, under which the applicants who worked during the N.G.Os strike in the year 1986, are entitled to be appointed, and the order impugned therein, is not a speaking order and there is no irregularity in the appointments of the applicants and therefore, the order impugn therein is liable to be set aside. The tribunal having observed that there is no dispute that there is no irregularity in the appointment of the applicants and their appointments were made only in pursuance of the orders of this Court as well as G.O.Ms.No:69, GAD, dated 18.2.1987 and therefore, the order of the respondent terminating the services of the applicants is not justified, allowed the O.A. setting aside the order impugned therein by upholding the appointments of the applicants. Having aggrieved by the same, the present writ petition is preferred by the respondent.

Heard the learned counsel.

Before going into the merits of the case, the facts that remain undisputed are that the applicants worked during the course of the strike in the year 1986 and in that connection, under G.O.Ms.No:69, GAD, dated 18.2.1987, the applicants are entitled to be appointed.

The material on record clearly goes to show that the

appointments of the applicants were made in pursuance of the order of this Court as well as G.O.Ms.No:69. It is also an admitted fact that there was no irregularity committed in the appointments of the applicants. If that being the case, the authority is not justified in terminating the services of the applicants as rightly observed by the tribunal.

Hence, We see no merits in this writ petition and the same is liable to be dismissed.

Accordingly, this writ petition is dismissed. No costs.

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Justice T. Meena Kumari

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Justice G. Chandraiah

Date: 30th July, 2007
Nn/Gurc.

HONOURABLE SMT. JUSTICE T.MEENA KUMARI
&
HONOURABLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No:16101 OF 2007

(Order delivered by the Hon'ble Smt. Justice T. Meena Kumari)

30/07/2007